

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ADEWALE AIBANA,

Plaintiff,

Case No. 11-12533

v.

HON. GEORGE CARAM STEEH

CITIBANK N.A. TRUSTEE FOR
THE MLMI TRUST SERIES 2007-HE2,

Defendant.

_____/

ORDER GRANTING DEFENDANT'S MOTION TO
DISMISS/ MOTION FOR SUMMARY JUDGMENT (#5)

On April 27, 2010, plaintiff filed a complaint in Oakland County Circuit Court asserting various claims arising out of a residential mortgage loan transaction between non-party Denise White, plaintiff's friend, and the predecessor in interest to defendant. On June 10, 2011, defendant removed the case to this court. On July 15, 2011, defendant filed a motion to dismiss and/or for summary judgment. In the motion, defendant argues: (1) plaintiff lacks standing to challenge the foreclosure sale because she does not have any legal interest in the property; (2) even if plaintiff had a legal interest in the property prior to foreclosure, plaintiff lost standing to challenge the foreclosure sale after the expiration of the redemption period on June 15, 2010; and (3) plaintiff fails to state claims for innocent misrepresentation, negligent misrepresentation, fraudulent misrepresentation, deceptive act/unfair practice, unjust enrichment, constructive trust, and quiet title. The court ordered plaintiff to respond by August 10, 2011. No response was filed by August 10, 2011; to date, no response has been filed. For the reasons set forth in defendant's motion, the court GRANTS defendant's motion

and DISMISSES plaintiff's complaint.

SO ORDERED.

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: September 22, 2011

CERTIFICATE OF SERVICE

Copies of this order were served on the attorneys/parties of record on September 22, 2011, by electronic mail and on Adewale Aibana at 4458 Gateway Circle, West Bloomfield, MI 48322 by U.S. mail.

s/Josephine Chaffee
Secretary/Deputy Clerk